

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CARIS DIAGNOSTICS, INC.

Plaintiff

VS.

SUSAN M. BAILEY,

Defendant.

NO. 3:09-CV-1917

**APPENDIX IN SUPPORT OF PLAINTIFF CARIS DIAGNOSTIC'S
RESPONSE TO DEFENDANT'S MOTION TO ABSTAIN AND DISMISS**

In support of Plaintiff's Response to Defendant's Motion to Abstain and Dismiss, Caris Diagnostics, Inc., provides the attached evidence:

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Affidavit of Philip (“Joe”) Ellison	1-9
Ex. A Application for Employment	10-13
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Ex. A. 9/1/09 Letter to American Arbitration Association for Demand for Arbitration, and attached copy of Employment Agreement	66-81
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Ex. C 9/16/09 Letter to William G. Miossi in response to the Inquiry raised in Mr. Miossi's letter	84-85
Ex. D 10/6/09 Letter from William G. Miossi to American Arbitration Association requesting sixty (60) day suspension of arbitration proceedings	86-87
Ex. E 10/6/09 Letter from Case Manager Deanna E. Vicks of American Arbitration Association advising the arbitration has been suspended for sixty (60) days	88

Respectfully submitted,

\s\ John F. McCarthy, Jr.

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CERTIFICATE OF SERVICE

On October 29, 2009, I electronically submitted the foregoing document with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case file system of the Court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(5).

/s/ John F. McCarthy, Jr.
John F. McCarthy, Jr.